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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/337,494	06/22/1999	NARIHIRO MATOBA	1163-0242P	9072

7590 02/04/2004

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 02/04/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/337,494

Applicant(s)

MATOBA ET AL.

Examiner

Lin Ye

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2612

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 26-28.Claim(s) rejected: 1-25 and 29-31.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See attached

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/23/03 have been fully considered but they are not persuasive as to claims 1-25 and 29-31.

Relative to claims 1, 5, 18, 19, the applicant argues that the secondary reference, Yamagami does not disclose or suggest "dividing the image data into unit blocks". It should be noted that the primary reference, Takayama clearly discloses this limitation that dividing the image data into unit blocks, each comprising a predetermined number of pixels (8x8 pixels, See Col. 5, lines 63-67). The only reason for using the Yamagami reference is that the Takayama reference does not explicitly show a length of the code output from the fixed length coding circuit is fixed. As recognized by the Applicants, Yamagami reference shows a first coding device for coding input image data into code output data having a variable length; a second coding device for coding the code output data having the variable length and coded by the first coding device into code data having a fixed length (See Col. 3, lines 53-67 and Col. 4, lines 1-18). The method shown in Yamagami reference that using the second coding device is for rejecting the independent claim 1 with the Takayama reference together. The Yamagami reference clearly set forth the motivation that one of ordinary skill in the art at the time to see more advantages for an image-processing unit record the image in accordance with variable length temporarily decoded and re-encoded in accordance with fixed length coding so that a predetermined number of images can be recorded on a recording

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medium having the same coding length and can handle bit errors much better (See Col. 2, lines 18-31 and Col. 5, lines 42-47).

The applicant argues the Yamagami reference does not disclose that “**the length of data is fixed on a block-by-block basis**” and the Yamagami reference only indicates the amount of data is fixed for the frame. However, this feature (“**the length of data is fixed on a block-by-block basis**”) is not recited in the claims.

The applicant also argues the Yamagami reference renders the Takayama unsatisfactory for its intended purpose, because Takayama states that one of the objectives is to “**improve the quality of the inputted image.**”, and this is in complete contrast to the stated objective of Yamagami reference. The examiner respectfully disagrees. The Yamagami reference clearly discloses one of the objectives is to **prevent the image quality deterioration** due to the compression (coding) This can be considered as the Yamagami reference also focus on the quality of the image data (See Col. 6, lines 10-14).

The applicant argues that combining the teachings of **the second embodiment** of Yamagami and Takayama fails to teach or suggest all claimed limitations. It should be noted that examiner combines the teachings of **the first embodiment** of Yamagami and Takyama to reject the independent claim 1 (e.g., the examiner only cited Yamagami reference Col. 3, lines 53-67 and Col. 4, lines 1-18 in the last office action). There is nothing relative the second embodiment of Yamagami. The argument is not ~~proper~~ *persuasive*.

Conclusion

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2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, DC. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Lin Ye

January 28, 2004